



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Dickinson, et al.

) Examiner: B. Casler

) Serial No.: 08/427,070

) Art Unit: 1911

) Filed: April 24, 1995

) For: MAGNETIC RESONANCE  
APPARATUS

) Date of Last Office Action:  
May 13, 1998

) Attorney Docket No.:  
PKR 2 363-4

) Cleveland, Ohio 44114  
) June 3, 1998

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REQUEST FOR RECOMMENDATION UNDER RULE 193  
OF REFUSAL TO ENTER REPLY BRIEF

Box AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This paper is responsive to the Office action issued May 13, 1998. Appellants respectfully request the Examiner to reconsider his position regarding non-entry of the Reply Brief submitted March 20, 1998.

The Office Action

The Reply Brief submitted March 20, 1998 was denied entry.

Appellants May Submit a Reply Brief as a Matter of Right

In the Office action, the Examiner denied entry of the Reply Brief which Appellants submitted on March 20, 1998. More specifically, the Examiner stated the Reply Brief was not entered because it was not limited to new points of argument or to new grounds of rejection raised in the Examiner's Answer. The Examiner cited §1208.03 of the MPEP to support his position.

Section 1208.03 of the MPEP references 37 CFR §1.193 ("Rule 193"). Rule 193 has been updated since the last revision of the MPEP. Section (b)(1) of Rule 193 now states:

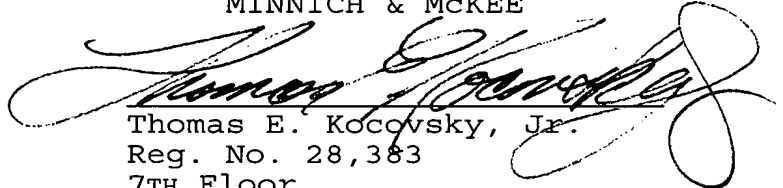
"Appellant may file a reply brief to an examiner's answer within two months from the date of such examiner's answer. ... The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief. ..."

In other words, Rule 193 now permits an appellant to file a Reply Brief as a matter of right. By denying entry of the Reply Brief, Appellants assert the Examiner has acted outside the scope of Rule 193.

For the foregoing reasons, Appellants request the Examiner enter the Reply Brief submitted March 20, 1998. Early notice thereof is respectfully requested.

Respectfully submitted,


FAY, SHARPE, BEALL, FAGAN,  
MINNICH & MCKEE



Thomas E. Kocovsky, Jr.  
Reg. No. 28,383  
7TH Floor  
1100 Superior Avenue  
Cleveland, Ohio 44114-2518  
(216) 861-5582

CERTIFICATE OF MAILING

I hereby certify that this REQUEST FOR RECOMMENDATION UNDER RULE 193 OF REFUSAL TO ENTER REPLY BRIEF for U.S. Serial No. 08/427,070 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box AF, Assistant Commissioner for Patents, Washington, D.C. 20231 on this 3rd day of June, 1998.



Dottie M. Freeland